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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,360	08/06/1999	HEIKO HOLZHEUER	P99,1523	6693

7590 01/20/2004

SCHIFF, HARDIN & WAITE
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/369,360

Applicant(s)

HOLZHEUER, HEIKO

Examiner

Tadesse Hailu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is in response to the Amendment entered 10/7/2002 for the patent application number 09/369,360 filed August 6, 1999.
2. Since the amendment paper filed 10/7/2002 was missing, it was not timely entered into the file. As a result, the Final Office action mailed 4/2/2003 was not complete. The 10/7/2002 amendment has been entered and the prosecution of this case is now re opened.
3. The present patent application claims priority to German Patent 19910357.7 dated March 1999.
4. The pending claims 1-6, 8-14, 16-19 are examined as follow:

Claim Rejections - 35 U.S.C. § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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6. Claims 1-6, 8-14, 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Pirolli et al (5,895,470).

The present invention is directed to navigating and searching document. Similarly, Pirolli et al.(5,895,470) discloses a system for categorizing documents in a linked collection of documents.

Regarding to **claim 1**: as in the present claimed invention, Pirolli discloses a computer system comprising a processor, a pointing device and a graphic display (Fig. 14). Pirolli also discloses a software tool or browser (col 6, lines 4-26) which enables a user to traverse through and view documents residing on the Web. Pirolli also identifies and categorizes document according their similarities related to the focus document or starting document (see Abstract, col 10, lines 17-29); also shown in Fig. 7, an asymptotic pattern activation over nodes or symbols are illustrated or characterized by graph bars 704 contained in the nodes at activated network 703, thus, the characteristic given to said node defines the degree of predicted relevance of web pages to the starting set of focus web pages (col 10, lines 17-29). Moreover, Pirolli clearly discloses measure of similarity of a staring document to a plurality of other documents using a dot product method (see Fig. 4, col 7, lines 49-63, and elsewhere).

Pirolli further discloses a graphical visualization of ionic representations of a search result including each icon having its own characteristic (see Fig.7). The method **claim 10** recites steps performed by the apparatus or device of claim 1 and therefore is rejected under the same rationale.

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Regarding **claim 2**, Pirolli discloses a storage area which holds characteristic vectors that produce the similarity measurements, each extracted from respective said documents (col 15, lines 51-56). The method **claim 11** recites steps performed by the apparatus of claim 2 and therefore is rejected under the same rationale.

Regarding **claim 3**, Pirolli further discloses a storage area holds a number of said characteristic vectors, wherein said number and selection of said document is determined both by predefined criteria and by determining the links within said document (col 7, lines 11-63). The method **claim 12** recites steps performed by the apparatus of claim 3 and therefore is rejected under the same rationale.

Regarding **claim 4**, Pirolli further discloses measuring similarity by a weights function over the frequencies of words that are common in the document, entries in the vector for a document indicate the presence or frequency of a word in the document (col 7, lines 49-63, col 9, lines 37-49, col 11, lines 58-col 12, lines 9, col 12, lines 37-46). The method **claim 13** recites steps performed by the apparatus of claim 4 and therefore is rejected under the same rationale.

Regarding **claims 5 and 6**, as shown in Figs. 10-11, Pirolli further discloses a text similarity network and corresponding matrix representation (see Fig. 4, col 7, lines 49-63, and elsewhere). Pirolli also indicates that said graphical representation can be shown in color (col 12, lines 37-46).. The method **claim 14** recites steps performed by the apparatus of claims 5 and 6 and therefore is rejected under the same rationale.

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Regarding **claims 8 and 9**, Pirolli further discloses manipulating the graphical representation using a mouse pointer to generate selection of words wherein said focus document is determined by the higher frequency of said selection of words within said documents (see fig. 7, #701, column 10, lines 17-40). The method **claims 16 and 17** recite steps performed by the apparatus of claims 8 and 9 respectively and therefore is rejected under the same rationale.

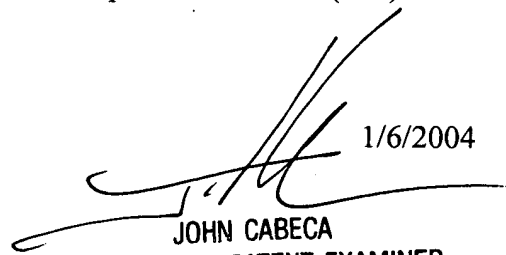
Regarding to **claims 18 and 19**, Pirolli further describes arrangement or topology network for a Web locality and the corresponding matrix representation (figs. 8-9). Pirolli further describes a dot matrix (or cosine function) function (a well know mathematical function) to calculate the similarity vector (distance) from any of the nodes to the focus node (fig. 4, column 7, lines 49-63).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu


1/6/2004
JOHN CABECA
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